

REMARKS

Claims 1-36 are pending in the application. Claims 1, 16, 32 and 36 are amended by this amendment.

In the action dated June 25, 2003, all pending claims 1-36 were rejected. The examiner restated all previous rejections, specifically, claims 1-4, 6-14, 16-19, 21-29 and 32-36 were rejected under 35 U.S.C. §102 as being anticipated by United States Patent No. 6,275,575 to Wu ("Wu"). Claims 1-2, 5, 7, 9-12, 16, 17, 20 and 22-26 were rejected under 35 U.S.C. §102 as being anticipated by United States Patent No. 6,272,214 to Jonsson ("Jonsson"). Claims 15, 30 and 31 were rejected under 35 U.S.C. §103 as being unpatentable over Wu as applied to claim 27 and further in view of United States Patent No. 6,175,619 to DeSimone ("DeSimone").

Rejections over Wu

On page 12, paragraphs 45-46 of the Office Action in the examiner's response to the applicants' arguments in the Amendment dated June 10, 2003 the examiner noted "the features upon which applicant relies are not recited in the rejected claim(s)". Applicants disagree with this characterization of the claims, however, in order to advance the prosecution of this application, applicants herein amend independent claims 1, 16, 32 and 36 to more particularly recite the features of the present invention distinguishing it over the prior art.

Specifically, each of independent claim 1, 16, 32 and 36 recite the limitation "said voice call being initiated immediately upon acceptance", thereby specifically distinguishing the present invention over Wu.

Applicants respectfully traverse the examiner's assertion in paragraph 47 of the Office Action that the Wu patent teaches "that the call is established in response to the offeree's acceptance of the offeror client's offer." As stated in the Applicants' previous response, Wu

clearly describes a method and system for remotely accessing a multi-point cross-platform telephone conferencing system for the purpose of coordinating and initiating multi-point conference calls wherein the coordinator of the conference sends invitations to conference invitees, the invitations containing information such as proposed start times and conference duration (col. 9, lines 50-55). The invitee is required to provide an acceptance of the invitation along with information either accepting the start time or providing an alternate time so that a control script for the conference can be generated (col. 9, line 66- col. 10 line 2). The script is stored for possible future use to direct the operation of a teleconference server 106 in conjunction with further instructions from the multi-point telephone conference coordinator (col. 5, lines 57-63). If the response to the invitation of Wu initiated the conference call, the information provided to the coordinator in the acceptance of the invitee would not only be superfluous but the entire goal of the Wu patent, i.e., coordination of a conference call including all invitees desiring to be included, would be frustrated since the call would be commenced immediately, at a time not scheduled or in accord with the schedule of all participants. Moreover, no control script as required by Wu would or could be generated.

Processing the responses of invitees is essential to the disclosure of Wu for creating the control script (col. 10, lines 27-43). In Wu it is only after the control script is established and the coordinator selects a conference to initiate that a call can even be contemplated (col. 10, lines 44-49). Only at that point can an instruction be forwarded to the coordinating server device, which forwards the control script to the telephone server (col. 10, lines 49-51). The telephone conference server only then initiates calls to participants and the coordinator (col. 10, lines 51-53).

Nevertheless, Applicants have amended each of independent claims 1, 16, 32 and 36 to specifically state that said voice call is “initiated immediately upon acceptance”, thereby clearly distinguishing the present invention over Wu. Wu cannot anticipate any of these claims, or the claims dependent thereon, because this limitation is completely missing from Wu. Wu simply neither teaches or suggests, and indeed teaches away, from the establishment of a call immediately upon acceptance of an electronic token as claimed in the present application.

Regarding the claims dependent on independent claims 1, 16 and 32, each of these claims, either explicitly or through their dependency, requires that when the offeree activates the electronic token, a voice call is initiated immediately. Accordingly, the arguments articulated above with respect to independent claims 1, 16 and 32 apply equally to these additional claims. For the foregoing reasons the Applicants request the rejection of claims 1-4, 6-14, 16-19, 21-29 and 32-36 over Wu be withdrawn.

Rejections over Jonsson

Applicants previously argued Jonsson does not teach services for causing a voice call to be established between the destination party designated by the offeror client and the offeree in direct response to the offeree's acceptance of the offeror client's offer. On page 13, paragraph 49 of the Office Action the examiner disagreed, stating “it can be said that, in the teaching of Jonsson, that the offeree accepts the offer by calling the telephone number during the session (see column 5, lines 39-41)... Clearly then, the voice call is established in response to the telephone call made by the offeree.” Applicants disagree with this characterization of Jonsson for the reasons set forth below. Nevertheless, in order to advance the progress of this application, the applicants herein amend independent claims 1 and 16 to specifically recite the limitation “said

offer to participate in said voice call not contingent on acceptance by an offeree at a prescribed time ", thereby specifically distinguishing the present invention over Jonsson.

The applicants respectfully traverse the basis for the continued rejection over Jonsson. The portion of the specification of Jonsson recited by the examiner does not set forth the entire system of Jonsson described at col. 5 lines 7-52 and at FIG. 3. While it is true that the offeree in Jonsson accepts the offer of the offeree by calling a temporary telephone number (or clicks on a URL), col. 5, lines 24-27), this acceptance does not initiate the voice call. It is merely a predicate step. In order to initiate the voice call, the subsequent steps of an offeree receiving a second, personal reference telephone number and the offeree calling that number are required to initiate the voice call (col. 5, lines 27-33). Therefore it is believed the amendment to claims 1 and 16 more particularly pointing out that the voice call is initiated immediately distinguishes the present invention over Jonsson.

Notwithstanding, by the additional amendments to independent claims 1 and 16 the presently claimed invention is patentably distinguishable over Jonsson. Regardless of the manner in which the call is initiated in Jonsson, the offeree in Jonsson is not at liberty to initiate a call at a time and place of his or her choosing. The call is set for a particular time by an administrator, therefore the offer to participate in said voice call is contingent on acceptance by the offeree at a prescribed time (see Jonsson col. 4, lines 19-21). In contrast, in the present invention an offeree is not subject to such constraints and is free to initiate a call at any time. Therefore the rejection of independent claims 1 and 16 are overcome and should be withdrawn. Regarding the rejected claims dependent on independent claims 1 and 16, each of these claims, either explicitly or through their dependency, requires said offer to participate in said voice call is not contingent on acceptance by an offeree at a prescribed time. Accordingly,

the arguments articulated above with respect to independent claims 1 and 16 apply equally to these additional claims. For the foregoing reasons the Applicants request the rejection of claims 1-2, 5, 7, 9-12, 16, 17, 20 and 22-26 over Jonsson be withdrawn.

Rejections over Wu in view of DeSimone

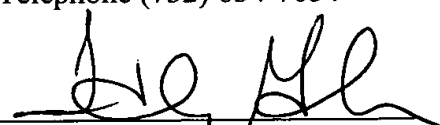
In view of the foregoing arguments relating to Wu, it is believed the rejection of claims 15, 30 and 31 under 35 U.S.C. §103 over Wu as applied to claim 27 and further in view of DeSimone is traversed. As the presently claimed invention as amended is patentably distinct over Wu for the reasons set forth hereinabove, the combination of the teachings of Wu and DeSimone can not disclose, suggest, teach or render obvious claims 15, 30 or 31 of the subject application. Further, such a combination would be improper because there would have been no motivation for one having ordinary skill in the art to combine the teachings of Wu with DeSimone. Even if such combination were made, the result would not be the present invention – the result would still provide that a voice call would not be initiated immediately upon acceptance by an offeree. Therefore claims 15, 30 and 31 are believed to be patentable for at least the reasons set forth above with respect to independent claims 1 and 16.

Reconsideration with a view towards allowance is respectfully requested. Our check in the amount of \$370.00 in payment of the required fee for this RCE is enclosed. The examiner is authorized to charge any shortages or credit any overpayments to our deposit account number 11-0223.

Respectfully submitted,

KAPLAN & GILMAN, L.L.P.
900 Route 9 North
Woodbridge, NJ 07095
Telephone (732) 634-7634

DATED: July 9, 2003


Timothy X. Gibson
Reg. No. 40,618

\\PDC\myfiles2\TXC Corp\Patents\176-23\Response to OA of 6-25 for 09-694,657.doc